



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,958	09/29/2006	Giorgio Girondi	GIRONDI 11	6702
1444 7590 10/15/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
MCCALL, ERIC SCOTT				
ART UNIT		PAPER NUMBER		
2855				
MAIL DATE		DELIVERY MODE		
10/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/594,958

**Applicant(s)**

GIRONDI, GIORGIO

**Examiner**

Eric S. McCall

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date Sept. 29, 2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DEVICE FOR INDICATING FUEL FILTER CLOGGING**  
**IN INTERNAL COMBUSTION ENGINES,**  
**PARTICULARLY DIESEL ENGINES**

**FIRST OFFICE ACTION**

**ABSTRACT**

The Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the use of the legal phraseology "means" therein. Correction is required. See MPEP § 608.01(b).

**SPECIFICATION**

The Examiner points out that multiple specifications are present in the application, but no indication exists as to which specification is to be considered. Clarification is requested.

**CLAIMS**

The Examiner points out that multiple sets of claims are present in the application, but no indication exists as to which set of claims is to be considered. One version dated Sep. 29, 2006 sets forth six claims. Another version dated Sep. 29, 2006 sets forth nine claims. And a version dated July 14, 2008 sets forth nine claims. Clarification is requested.

The nine claims dated Sep. 29, 2006 are the claims that are hereby examined.

**35 U.S.C. § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 1 is indefinite because the preamble of the claim is directed to a device for indicating fuel filter clogging, but the transitional phrase suggests that the body of the claim is directed to a fuel filter.

Claim 1 is indefinite because of the inclusion of the phrase “in particular diesel engines” as to whether the device is applicable to only diesel engines or to an internal combustion engine (ie. not a diesel engine). Such a phrase sets forth a range within a range.

Claim 1 is indefinite as to the phrase “with the disc to which it is connected” (line 4) because “the disc” lacks antecedent basis and the word “it” is indefinite.

Claim 2, the phrase “the flexible element” lacks antecedent basis and the term “its” is indefinite.

Claim 4, the phrase “known means” is indefinite as to the specific meaning thereof.

Claims 4 and 7, the phrase “the filter cartridge connection disc” lacks antecedent basis.

Claims 5 and 6, the phrase “said flexible element” lacks antecedent basis.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustafson et al. (2006/0059995).

With respect to claims 1 and 2, Gustafson et al. set forth a device for indicating clogging of the fuel filter of internal combustion engines, the filter comprising:

an outer casing closed by a cover of a magnetic material, and a filter element which, together with a disc to which it is connected, defines two chambers for fuel entry and exit respectively (Figs. 2 & 3),

characterised by comprising a pressure sensor means sensing the difference between the entry and exit fuel pressure and housed inside the filter casing (col. 4, paragraph 55+), and a means for generating a signal proportional to said pressure difference which is not mechanically connected to the pressure sensor means and is located outside the filter casing (col. 4, paragraph 57).

With respect to claim 3, Gustafson et al. set forth the pressure sensor means (194) being housed in the fuel entry chamber (Fig. 2).

With respect to claim 6, the flexible element of Gustafson et al. is interpreted as a membrane as claimed.

With respect to claim 8, Gustafson et al. set forth a Hall sensor sensitive to the magnetic field of the magnet of the pressure sensor means, and a processor for processing the voltage signal generated by the Hall sensor (page 4, paragraph 57).

**CITED DOCUMENTS**

The Applicant's attention is directed to the "PTO-892" form for the prior art made of record at the time of this office action.

**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric S. McCall/  
Primary Examiner